

ESTTA Tracking number: **ESTTA548965**

Filing date: **07/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Westbrae Natural, Inc
Granted to Date of previous extension	07/17/2013
Address	1111 Marcus Avenue Lake Success, NY 11042 UNITED STATES
Attorney information	Melissa Heddell Westbrae Natural, Inc 58 South Service Road Suite 250 Melville, NY 11747 UNITED STATES IP@hain-celestial.com Phone:516-587-5171

Applicant Information

Application No	85753130	Publication date	03/19/2013
Opposition Filing Date	07/17/2013	Opposition Period Ends	07/17/2013
Applicant	Jamaican Teas Limited 7 Norman Road LOJ Industrial Complex Block A2 Kingston CSO, JAMAICA		

Goods/Services Affected by Opposition

Class 030. First Use: 1999/04/00 First Use In Commerce: 1999/04/00 All goods and services in the class are opposed, namely: Coffee, tea, cocoa, iced tea
Class 032. First Use: 2011/01/00 First Use In Commerce: 2011/06/00 All goods and services in the class are opposed, namely: Drinking water, flavoured waters, fruit juices

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3959747	Application Date	06/09/2010
Registration Date	05/10/2011	Foreign Priority Date	NONE
Word Mark	COCONUT DREAM		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2010/12/13 First Use In Commerce: 2010/12/13 Coconut milk; coconut based beverages

U.S. Registration No.	4047101	Application Date	06/09/2010
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	COCONUT DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2010/12/13 First Use In Commerce: 2010/12/13 Non-dairy coconut based beverages used as a milk substitute		

U.S. Registration No.	3945208	Application Date	08/11/2009
Registration Date	04/12/2011	Foreign Priority Date	NONE
Word Mark	ALMOND DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2010/01/00 First Use In Commerce: 2010/01/00 Non-dairy frozen almond based ice cream substitute desserts; and non-dairy frozen almond based ice cream substitute confections		

U.S. Registration No.	4205228	Application Date	01/23/2012
Registration Date	09/11/2012	Foreign Priority Date	NONE
Word Mark	ALMOND DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2012/01/16 First Use In Commerce: 2012/01/16 Non-dairy yogurt, almond based non-dairy yogurt		

U.S. Registration No.	3731061	Application Date	05/27/2009
Registration Date	12/29/2009	Foreign Priority Date	NONE
Word Mark	COOKIES 'N DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2000/07/00 First Use In Commerce: 2000/07/00		

	Frozen desserts made essentially from rice		
U.S. Registration No.	3588574	Application Date	01/08/2008
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	OAT DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 Oat based food beverages		
U.S. Registration No.	3381585	Application Date	07/13/2007
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	RICE DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 Rice based beverages; frozen desserts made essentially from rice		
U.S. Registration No.	3381586	Application Date	07/13/2007
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	SOY DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 Soy-based ice cream substitute		
U.S. Registration No.	3381587	Application Date	07/13/2007
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	SOY DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 Soy-based food beverage used as a milk substitute		
U.S. Registration No.	3455011	Application Date	06/08/2007
Registration Date	06/24/2008	Foreign Priority Date	NONE

Word Mark	ALMOND DREAM
Design Mark	
Description of Mark	NONE
Goods/Services	Class 029. First use: First Use: 2008/01/10 First Use In Commerce: 2008/01/10 Almond based food beverage

U.S. Registration No.	3587962	Application Date	06/08/2007
Registration Date	03/10/2009	Foreign Priority Date	NONE
Word Mark	HEMP DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 2008/09/01 First Use In Commerce: 2008/09/01 Hemp milk used as a milk substitute		

U.S. Registration No.	3332658	Application Date	05/30/2006
Registration Date	11/06/2007	Foreign Priority Date	NONE
Word Mark	KIDZ DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2006/06/30 First Use In Commerce: 2006/06/30 Soy-based beverages not being milk substitutes; smoothies		

U.S. Registration No.	2261502	Application Date	08/01/1997
Registration Date	07/13/1999	Foreign Priority Date	NONE
Word Mark	SOY DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 029. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 soy-based beverages		

U.S. Registration No.	2230155	Application Date	08/01/1997
Registration Date	03/09/1999	Foreign Priority Date	NONE
Word Mark	RICE DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 030. First use: First Use: 1984/06/01 First Use In Commerce: 1984/06/01		

	non-dairy non-alcoholic beverages and frozen desserts made essentially from rice
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U.S. Registration No.	4168280	Application Date	08/28/2009
Registration Date	07/03/2012	Foreign Priority Date	NONE
Word Mark	TASTE THE DREAM		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 029. First use: First Use: 2008/04/01 First Use In Commerce: 2008/04/01 Rice based beverages used as milk substitutes; soy-based beverages used as milk substitutes; almond based beverages used as milk substitutes; almond-based food beverages</p> <p>Class 030. First use: First Use: 2007/03/01 First Use In Commerce: 2007/03/01 Rice based food beverages; rice based frozen desserts; rice based frozen confections; soy based food beverages not being milk substitutes; soy based frozen desserts; soy based frozen confections; almond based frozen desserts; almond based frozen confections</p>		

U.S. Registration No.	3840135	Application Date	08/13/2009
Registration Date	08/31/2010	Foreign Priority Date	NONE
Word Mark	LIL' DREAMERS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 2000/00/00 First Use In Commerce: 2000/00/00 Non-dairy, soy based, frozen ice cream substitute desserts</p>		

Attachments	SKMBT_C65413071712260.pdf(4705905 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/melissaheddell/
Name	Melissa Heddell
Date	07/17/2013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial Number: 85753130

By: Jamaican Teas Limited

Filed: October 12, 2012

Published in the Official Gazette on May 19, 2013

Mark: CARIBBEAN DREAM

Westbrae Natural, Inc.

Opposer,

v.

Jamaican Teas Limited

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Commissioner:

1. Westbrae Natural, Inc. (“Westbrae” or “Opposer”), a Delaware corporation, having a place of business at 1111 Marcus Avenue, Lake Success, New York 11042, believes that it will be damaged by registration of Jamaican Teas Limited (“Applicant”) Application Serial Number 85753130 for CARIBBEAN DREAM in International Class(s) 30 & 32 (“Applicant’s Mark” or “CARIBBEAN DREAM”) and hereby opposes the same.

2. Westbrae owns the following trademark registrations the United States Patent and Trademark Office (“PTO”) issued:

Mark	Registration Number	Registration Date	Goods/Services
COCONUT DREAM	3959747	10-MAY-2011	(INT. CL. 32) COCONUT MILK; COCONUT BASED BEVERAGES
COCONUT DREAM	4047101	25-OCT-2011	(INT. CL. 29) NON-DAIRY COCONUT BASED BEVERAGES USED AS A MILK SUBSTITUTE
ALMOND DREAM	3945208	12-APR-2011	(INT. CL. 30) NON-DAIRY FROZEN ALMOND BASED ICE CREAM SUBSTITUTE DESSERTS; AND NON- DAIRY FROZEN ALMOND BASED ICE CREAM SUBSTITUTE CONFECTIONS
ALMOND DREAM	4205228	11-Sept-2012	(INT. CL. 29) NON-DAIRY YOGURT, ALMOND BASED NON-DAIRY YOGURT

Mark	Registration Number	Registration Date	Goods/Services
COOKIES 'N DREAM	3731061	29-DEC-2009	(INT. CL. 30) FROZEN DESSERTS MADE ESSENTIALLY FROM RICE
OAT DREAM	3588574	10-MAR-2009	(INT. CL. 30) OAT BASED FOOD BEVERAGES
RICE DREAM	3381585	12-FEB-2008	(INT. CL. 30) RICE BASED BEVERAGES; FROZEN DESSERTS MADE ESSENTIALLY FROM RICE
SOY DREAM	3381586	12-FEB-2008	(INT. CL. 30) SOY-BASED ICE CREAM SUBSTITUTE
SOY DREAM	3381587	12-FEB-2008	(INT. CL. 29) SOY-BASED FOOD BEVERAGE USED AS A MILK SUBSTITUTE
ALMOND DREAM	3455011	24-JUN-2008	(INT. CL. 29) ALMOND BASED FOOD BEVERAGE
HEMP DREAM	3587962	10-MAR-2009	(INT. CL. 29) HEMP MILK USED AS A MILK SUBSTITUTE
KIDZ DREAM	3332658	06-NOV-2007	(INT. CL. 32) SOY-BASED BEVERAGES NOT BEING MILK SUBSTITUTES; SMOOTHIES
SOY DREAM	2261502	13-JUL-1999	(INT. CL. 29) SOY-BASED BEVERAGES
RICE DREAM	2230155	09-MAR-1999	(INT. CL. 30) NON-DAIRY NON-ALCOHOLIC BEVERAGES AND FROZEN DESSERTS MADE ESSENTIALLY FROM RICE
TASTE THE DREAM	4168280	28-AUG-2009	(INT. CL. 29) RICE BASED BEVERAGES USED AS MILK SUBSTITUTES; SOY-BASED BEVERAGES USED AS MILK SUBSTITUTES; ALMOND BASED BEVERAGES USED AS MILK SUBSTITUTES; ALMOND-BASED FOOD BEVERAGES (INT. CL. 30) RICE BASED FOOD BEVERAGES; RICE BASED FROZEN DESSERTS; RICE BASED FROZEN CONFECTIONS; SOY BASED FOOD BEVERAGES NOT BEING MILK SUBSTITUTES; SOY BASED FROZEN DESSERTS; SOY BASED FROZEN CONFECTIONS; ALMOND BASED FROZEN DESSERTS; ALMOND BASED FROZEN CONFECTIONS
LIL' DREAMERS	3840135	August 31, 2010	Non-dairy, soy based, frozen ice cream substitute desserts

Copies of Westbrae's registration certificates for the referenced trademarks are attached hereto as Exhibit 1.

Westbrae's registrations will be referred to hereafter as "Westbrae's Dream Marks."

3. Westbrae has used Westbrae's Dream Marks in the United States at least to identify a variety of non-dairy products since at least as early as 1984.

4. Westbrae has extensively used Westbrae's Dream Marks and has advertised, promoted, and offered the Westbrae's Goods under Westbrae's Dream Marks in interstate

commerce through various channels of trade. As a result, Westbrae's customers, potential customers, and the public in general have come to know and recognize Westbrae's Dream Marks as identifying the Westbrae's Goods as goods of the highest quality offered by Westbrae, and associates Westbrae's Dream Marks with the Westbrae's Goods. Westbrae's has thus built up extensive and invaluable goodwill in connection with the sale of its goods and services offered under Westbrae's Dream Marks.

5. Notwithstanding Westbrae's exclusive and long-standing rights in and to Westbrae's Dream Marks, on May 5, 2011, Applicant filed an application under Section 1(a) of the Lanham Act, 15 U.S.C. § 1051(a), with the USPTO for registration of the trademark CARIBBEAN DREAM that was assigned a serial number 85753130 (hereinafter the "Application") for Coffee, tea, cocoa, iced tea in International Class 30 and Drinking water, flavoured waters, fruit juices in International Class 32 (collectively, "Applicant's Goods").

6. There is no issue as to priority. Applicant's mark was filed after the USPTO issued registrations for at least ten of Westbrae's Dream Marks and decades after Westbrae used the Westbrae Dream Marks to identify its products.

7. Upon information and belief, Applicant knew or had reason to know of Westbrae's Dream Marks when Applicant filed the Application.

8. Westbrae has used Westbrae's Dream Marks continuously on or in connection with Westbrae Goods in interstate commerce prior to the filing date of Applicant's Application.

9. Westbrae's USPTO Registrations identified above provide, at the very least, constructive notice to Applicant of Westbrae's rights in and to Westbrae's Dream Marks.

LIKELIHOOD OF CONFUSION
Section 2(d) of the Lanham Act, 15 U.S.C § 1052(d)

10. Westbrae re-alleges the allegations contained in Paragraphs 1 through 10 of this Notice of Opposition.

11. The trademark that Applicant seeks to register so resembles Westbrae's Dream Marks in appearance, sound, meaning, and commercial impression that the use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's Goods in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and will injure and damage Westbrae and the goodwill and reputation symbolized by Westbrae's Dream Marks.

12. Applicant's Goods offered under the Application are so related to the goods offered under Opposer's Westbrae's Dream Marks that the public is likely to be confused, deceived, and to assume erroneously that Applicant's Goods are those of Westbrae or that Applicant is in some way connected with, licensed, or sponsored by or affiliated with Westbrae, all to Westbrae's irreparable damage.

13. Likelihood of confusion is enhanced by the fact that Westbrae's Dream Marks are strong, famous, well-known, and entitled to a broad scope of protection.

14. Likelihood of confusion is also enhanced by the fact that Applicant's mark CARIBBEAN DREAM is visually similar to Westbrae's Dream Marks.

15. Likelihood of confusion is further enhanced by the fact that the Applicant's goods and Opposer's Goods are capable of sale and promotion to the same class of purchasers and in the same channels of trade.

16. Applicant's Mark when applied to the goods listed in the application is likely to cause confusion, or mistake or deception in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052 (d).

17. Applicant is not affiliated or connected with Westbrae and has not been endorsed or sponsored by Westbrae, nor has Westbrae approved any of the goods or services offered or sold or intended to be sold by Applicant under its trademark.

18. Applicant has never sought or obtained Westbrae's permission to use the mark CARIBBEAN DREAM, nor has Westbrae approved any of the goods offered by Applicant under the mark CARIBBEAN DREAM.

19. If Applicant is permitted to use and register its CARIBBEAN DREAM mark for the Applicant's Goods, confusion in the trade resulting in damage and injury to Opposer would be caused and would result by reason of the similarity between the CARIBBEAN DREAM mark and Westbrae's Dream Marks. Persons familiar with Westbrae's Dream Marks would be likely to buy Applicant's Goods as and for products made and sold by, or sponsored or approved by, Opposer.

DILUTION BY BLURRING
Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)

20. Westbrae re-alleges the allegations contained in Paragraphs 1 through 20 of this Notice of Opposition.

21. In light of the strength of Westbrae's Dream Marks, the length and extent of Opposer's use and advertising of its Westbrae's Dream Marks, the widespread use of Westbrae's Dream Marks, and the degree of recognition of Westbrae's Dream Marks, one or more of Westbrae's Dream Marks have become famous.

22. Westbrae's Dream Marks became well-known and famous before Applicant made any use of or applied to register the mark CARIBBEAN DREAM.

23. Applicant's mark CARIBBEAN DREAM is likely to cause dilution by blurring of the distinctive quality of Westbrae's famous Westbrae's Dream Marks.

24. Use and registration of Applicant's CARIBBEAN DREAM Mark will lessen the capacity of Westbrae's famous Westbrae's Dream Marks to identify and distinguish the Westbrae Goods.

If Applicant obtains such rights as conferred under the Principal Register of the Lanham Act, it will obtain at least a *prima facie* exclusive right to use its trademark, and Westbrae will be subjected to great and irreparable damage, while Applicant will enjoy unlawful gain and advantage to which it is not entitled under the Lanham Act.

WHEREFORE, Westbrae believes and avers that it is being, and will continue to be, damaged by the registration of the Application, and respectfully requests that the Application be rejected, that no registration be issued thereon to Applicant, and that the Opposition be sustained in favor of Westbrae.

Westbrae Natural, Inc. appoints its parent company, The Hain Celestial Group Inc., to transact all business in the USPTO in connection with this Opposition Proceeding and hereby revokes all previous powers of attorney herein.

Please address all correspondence to:

Denise Seldman Benun, Esq.
The Hain Celestial Group Inc.
Associate General Counsel-Intellectual Property
1111 Marcus Avenue
Lake Success, New York 11042

The filing fee for this opposition, in the amount of \$300.00, is hereby electronically transferred with the submission of the Notice of Opposition.

Dated: July 17, 2013

Respectfully submitted,

By: /s/Denise S. Benun/

Attorney for Opposer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the *Notice of Opposition* has been served via first class mail to applicant's attorney of record at the address below on this the 17th day of July 2013.

Everett E. Fruehling
Christensen O'Connor Johnson Kindness
1420 5th Avenue Ste 2800
Seattle, Washington 98101-1344



Mellissa Heddell

Intellectual Property Paralegal for Opposer

United States of America

United States Patent and Trademark Office

ALMOND DREAM

Reg. No. 4,205,228

Registered Sep. 11, 2012

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
58 SOUTH SERVICE ROAD, SUITE 250
MELVILLE, NY 11747

FOR: NON-DAIRY YOGURT, ALMOND BASED NON-DAIRY YOGURT, IN CLASS 29 (U.S. CL. 46).

FIRST USE 1-16-2012; IN COMMERCE 1-16-2012.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,455,011 AND 3,945,208.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ALMOND", APART FROM THE MARK AS SHOWN.

SER. NO. 85-522,944, FILED 1-23-2012.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,587,962

Registered Mar. 10, 2009

TRADEMARK
PRINCIPAL REGISTER

HEMP DREAM

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
58 SOUTH SERVICE ROAD, SUITE 250
MELVILLE, NY 11747

OWNER OF U.S. REG. NOS. 2,230,155, 2,261,502,
AND OTHERS.

FOR: HEMP MILK USED AS A MILK SUBSTITUTE, IN CLASS 29 (U.S. CL. 46).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "HEMP", APART FROM THE
MARK AS SHOWN.

FIRST USE 9-1-2008; IN COMMERCE 9-1-2008.

SN 77-201,574, FILED 6-8-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

JERI J. FICKES, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,588,574

Registered Mar. 10, 2009

**TRADEMARK
PRINCIPAL REGISTER**

OAT DREAM

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
SUITE 250
58 SOUTH SERVICE ROAD
MELVILLE, NY 11747

OWNER OF U.S. REG. NOS. 2,230,155, 3,381,586,
AND OTHERS.

FOR: OAT BASED FOOD BEVERAGES, IN CLASS
30 (U.S. CL. 46).

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "OAT", APART FROM THE MARK
AS SHOWN.

FIRST USE 7-0-2008; IN COMMERCE 7-0-2008.

SN 77-366,646, FILED 1-8-2008.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

LIEF MARTIN, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,455,011

Registered June 24, 2008

**TRADEMARK
PRINCIPAL REGISTER**

ALMOND DREAM

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
58 SOUTH SERVICE ROAD, SUITE 250
MELVILLE, NY 11747

FOR: ALMOND BASED FOOD BEVERAGE, IN
CLASS 29 (U.S. CL. 46).

FIRST USE 1-10-2008; IN COMMERCE 1-10-2008.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,230,155, 2,261,502,
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ALMOND", APART FROM THE
MARK AS SHOWN.

SN 77-201,559, FILED 6-8-2007.

JERI J. FICKES, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,381,585

Registered Feb. 12, 2008

TRADEMARK
PRINCIPAL REGISTER

RICE
DREAM

WESTBRAE NATURAL, INC. (DELAWARE COR-
PORATION)
SUITE 250
58 SOUTH SERVICE ROAD
MELVILLE, NY 11747

FOR: RICE BASED BEVERAGES; FROZEN DES-
SERTS MADE ESSENTIALLY FROM RICE, IN
CLASS 30 (U.S. CL. 46).

FIRST USE 12-0-2001; IN COMMERCE 12-0-2001.

OWNER OF U.S. REG. NOS. 1,501,526, 2,230,155
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "RICE", APART FROM THE MARK
AS SHOWN.

SER. NO. 77-229,285, FILED 7-13-2007.

JERI J. FICKES, EXAMINING ATTORNEY

Int. Cl.: 30

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,381,586

Registered Feb. 12, 2008

**TRADEMARK
PRINCIPAL REGISTER**

**SOY
DREAM**

WESTBRAE NATURAL, INC. (DELAWARE COR-
PORATION)

SUITE 250

58 SOUTH SERVICE ROAD

MELVILLE, NY 11747

FOR: SOY-BASED ICE CREAM SUBSTITUTE, IN
CLASS 30 (U.S. CL. 46).

FIRST USE 12-0-2001; IN COMMERCE 12-0-2001.

OWNER OF U.S. REG. NOS. 1,501,526, 2,261,502
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SOY", APART FROM THE MARK
AS SHOWN.

SER. NO. 77-229,298, FILED 7-13-2007.

JERI J. FICKES, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

United States Patent and Trademark Office

Reg. No. 3,381,587

Registered Feb. 12, 2008

TRADEMARK
PRINCIPAL REGISTER

SOY
DREAM

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)

SUITE 250

58 SOUTH SERVICE ROAD

MELVILLE, NY 11747

OWNER OF U.S. REG. NOS. 1,501,526, 2,261,502
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SOY", APART FROM THE MARK
AS SHOWN.

FOR: SOY-BASED FOOD BEVERAGE USED AS A
MILK SUBSTITUTE, IN CLASS 29 (U.S. CL. 46).

SER. NO. 77-229,299, FILED 7-13-2007.

FIRST USE 12-0-2001; IN COMMERCE 12-0-2001.

JERI J. FICKES, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

TASTE THE DREAM

Reg. No. 4,168,280

Registered July 3, 2012

Int. Cls.: 29 and 30

TRADEMARK

PRINCIPAL REGISTER

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
SUITE 250
58 SOUTH SERVICE ROAD
MELVILLE, NY 11747

FOR: RICE BASED BEVERAGES USED AS MILK SUBSTITUTES; SOY-BASED BEVERAGES USED AS MILK SUBSTITUTES; ALMOND BASED BEVERAGES USED AS MILK SUBSTITUTES; ALMOND-BASED FOOD BEVERAGES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 4-1-2008; IN COMMERCE 4-1-2008.

FOR: RICE BASED FOOD BEVERAGES; RICE BASED FROZEN DESSERTS; RICE BASED FROZEN CONFECTIONS; SOY BASED FOOD BEVERAGES NOT BEING MILK SUBSTITUTES; SOY BASED FROZEN DESSERTS; SOY BASED FROZEN CONFECTIONS; ALMOND BASED FROZEN DESSERTS; ALMOND BASED FROZEN CONFECTIONS, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-1-2007; IN COMMERCE 3-1-2007.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-815,244, FILED 8-28-2009.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

COCONUT DREAM

Reg. No. 4,047,101

Registered Oct. 25, 2011

Int. Cl.: 29

TRADEMARK

PRINCIPAL REGISTER

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
SUITE 250
MELVILLE, NY 11747

FOR: NON-DAIRY COCONUT BASED BEVERAGES USED AS A MILK SUBSTITUTE, IN
CLASS 29 (U.S. CL. 46).

FIRST USE 12-13-2010; IN COMMERCE 12-13-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COCONUT", APART FROM THE MARK AS SHOWN.

SN 85-975,663, FILED 6-9-2010.

DAVID C. REIHNER, EXAMINING ATTORNEY



David S. Kypos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

COCONUT DREAM

Reg. No. 3,959,747

Registered May 10, 2011

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
58 SOUTH SERVICE ROAD, SUITE 250
MELVILLE, NY 11747

FOR: COCONUT MILK; COCONUT BASED BEVERAGES, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 12-13-2010; IN COMMERCE 12-13-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COCONUT", APART FROM THE MARK AS SHOWN.

SN 85-058,221, FILED 6-9-2010.

DAVID C. REIHNER, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

ALMOND DREAM

Reg. No. 3,945,208

Registered Apr. 12, 2011

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
SUITE 250
58 SOUTH SERVICE ROAD
MELVILLE, NY 11747

FOR: NON-DAIRY FROZEN ALMOND BASED ICE CREAM SUBSTITUTE DESSERTS; AND
NON-DAIRY FROZEN ALMOND BASED ICE CREAM SUBSTITUTE CONFECTIONS, IN
CLASS 30 (U.S. CL. 46).

FIRST USE 1-0-2010; IN COMMERCE 1-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 3,455,011.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ALMOND", APART FROM THE MARK AS SHOWN.

SN 77-802,120, FILED 8-11-2009.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

LIL' DREAMERS

Reg. No. 3,840,135

Registered Aug. 31, 2010

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
58 SOUTH SERVICE ROAD
SUITE 250
MELVILLE, NY 11747

FOR: NON-DAIRY, SOY BASED, FROZEN ICE CREAM SUBSTITUTE DESSERTS, IN CLASS
30 (U.S. CL. 46).

FIRST USE 0-0-2000; IN COMMERCE 0-0-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 77-803,621, FILED 8-13-2009.

PAUL E. FAHRENKOPF, EXAMINING ATTORNEY



David J. Kyros

Director of the United States Patent and Trademark Office

United States of America

United States Patent and Trademark Office

COOKIES 'N DREAM

Reg. No. 3,731,061 WESTBRAE NATURAL, INC. (DELAWARE CORPORATION)
Registered Dec. 29, 2009 SUITE 250
58 SOUTH SERVICE ROAD
MELVILLE, NY 11747

Int. Cl.: 30

FOR: FROZEN DESSERTS MADE ESSENTIALLY FROM RICE, IN CLASS 30 (U.S. CL. 46).

**TRADEMARK
PRINCIPAL REGISTER**

FIRST USE 7-0-2000; IN COMMERCE 7-0-2000.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COOKIES", APART FROM THE MARK AS SHOWN.

SER. NO. 77-745,756, FILED 5-27-2009.

HOWARD SMIGA, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

Int. Cl.: 32

Prior U.S. Cls.: 45, 46, and 48

United States Patent and Trademark Office

Reg. No. 3,332,658

Registered Nov. 6, 2007

TRADEMARK
PRINCIPAL REGISTER

KIDZ DREAM

WESTBRAE NATURAL, INC. (DELAWARE COR-
PORATION)
SUITE 250
58 SOUTH SERVICE ROAD
MELVILLE, NY 11747

FOR: SOY-BASED BEVERAGES NOT BEING
MILK SUBSTITUTES; SMOOTHIES, IN CLASS 32
(U.S. CLS. 45, 46 AND 48).

FIRST USE 6-30-2006; IN COMMERCE 6-30-2006.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-895,491, FILED 5-30-2006.

WARREN L. OLANDRIA, EXAMINING ATTOR-
NEY

Int. Cl.: 30

Prior U.S. Cl.: 46

Reg. No. 2,230,155

United States Patent and Trademark Office

Registered Mar. 9, 1999

**TRADEMARK
PRINCIPAL REGISTER**

RICE DREAM

IMAGINE FOODS, INC. (CALIFORNIA CORPORATION)
350 CAMBRIDGE AVENUE, SUITE 350
PALO ALTO, CA 94306

FOR: NON-DAIRY NON-ALCOHOLIC BEVERAGES AND FROZEN DESSERTS MADE ESSENTIALLY FROM RICE, IN CLASS 30 (U.S. CL. 46).

FIRST USE 6-1-1984; IN COMMERCE 6-1-1984.

OWNER OF U.S. REG. NO. 1,501,526.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "RICE", APART FROM THE MARK AS SHOWN.

SER. NO. 75-334,164, FILED 8-1-1997.

MONTIA O. GIVENS, EXAMINING ATTORNEY

Int. Cl.: 29

Prior U.S. Cl.: 46

Reg. No. 2,261,502

United States Patent and Trademark Office

Registered July 13, 1999

**TRADEMARK
PRINCIPAL REGISTER**

SOY DREAM

IMAGINE FOODS, INC. (CALIFORNIA CORPORATION)
350 CAMBRIDGE AVENUE, SUITE 350
PALO ALTO, CA 94306

OWNER OF U.S. REG. NO. 1,501,526.
NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SOY", APART FROM THE
MARK AS SHOWN.

FOR: SOY-BASED BEVERAGES, IN CLASS
29 (U.S. CL. 46).

SN 75-334,170, FILED 8-1-1997.

FIRST USE 8-0-1998; IN COMMERCE
8-0-1998.

MONTIA O. GIVENS, EXAMINING ATTORNEY